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COMMISSION ON NARCOTIC DRUGS
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Item 9 of the provisional agenda*

OTHER URGENT MATTERS

Special session of the General Assembly to consider the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs

Note by the Secretariat

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INTRODUCTION

1. The General Assembly, at its forty-fourth session, adopted one decision (44/410 of 14 November 1989) and adopted four resolutions (44/16 of 1 November 1989 and 44/140, 44/141 and 44/142 of 15 December 1989) relating to narcotic drugs. The salient points of that decision and those resolutions are reflected in the following summary of the action initiated by the Assembly, which, in particular:

(a) Decided to hold a special session of the General Assembly, at a high political level, to consider as a matter of urgency the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs, with a view to expanding the scope and increasing the effectiveness of such co-operation (resolution 44/16, paragraph 1);

(b) Decided to establish a Preparatory Committee of the Whole for the special session to meet for two days during the first week of December 1989 and for three days during the first week of February 1990, with its bureau meeting between sessions, as required, to advance the preparatory work (decision 44/410, paragraphs 2 and 3);

(c) Requested the Secretary-General to undertake as soon as possible, with the assistance of a group of intergovernmental experts, a study on the economic and social consequences of illicit traffic in drugs (resolution 44/142, paragraph 9);

(d) Envisaged the elaboration of a global programme of action against narcotic drugs for adoption at the special session and, in the narrower context of the United Nations system, the development and implementation of a system-wide plan of action (resolution 44/141, paragraphs 3 and 5);

(e) Requested the Commission on Narcotic Drugs at its eleventh special session:

(i) To consider the question of the enhancement of the role of the United Nations in the fight against illicit drugs and to formulate its views thereon for the benefit of the work of the Assembly at its special session (decision 44/410, paragraph 4);

(ii) To begin consideration of the measures that could be recommended to Governments for the implementation of the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in 1988 (resolution 44/140, preambular paragraph 5);

(iii) To identify suitable measures to be taken prior to the entry into force of that Convention (resolution 44/140, paragraph 7);

(iv) To transmit any views on matters pertaining to the special session (decision 44/410, paragraph 6).

2. At its first meeting, held from 6 to 9 December 1989, the Preparatory Committee elected its bureau and adopted a provisional agenda for the special session (A/AC.235/L.1/Rev.2). At its second meeting, scheduled to

take place from 12 to 14 February 1990, the Preparatory Committee is expected to finalize preparatory work for the special session, to review a progress report by the Secretary-General on the preparation of a United Nations system-wide plan of action on drug abuse control, and to advance the process of drafting a possible declaration and global programme of action.

I. ENHANCEMENT OF THE ROLE OF THE UNITED NATIONS

3. The request of the General Assembly to the Commission on Narcotic Drugs, in its decision 44/410, paragraph 4, to consider the question of the enhancement of the role of the United Nations in the fight against illicit drugs and to convey its views to the special session, is clearly among the most important matters for the attention of the Commission. It presents the Commission with a unique opportunity of ensuring at least two outcomes from the special session, namely:

(a) A strong reaffirmation of existing mandates of the United Nations system and measures to bridge the resource gap that at present impedes their full implementation;

(b) A strengthening of the United Nations role through appropriate, additional mandates together with commensurate resources to carry them out.

4. In considering this item, the attention of the Commission is drawn to resolution 44/141, paragraph 1, in which the Assembly declares that the United Nations should be the main focus for concerted international action against illicit traffic and drug abuse control. Before dealing with particular areas in which the role of the United Nations could be enhanced, the Commission may wish to address issues of planning, resources and co-ordination and efficiency.

5. On planning issues the following should be noted:

(a) The Assembly, in its resolution 44/141, requested the Secretary-General to co-ordinate the development of a United Nations system-wide action plan on drug abuse control aimed at the full implementation of all existing mandates and subsequent decisions of intergovernmental bodies throughout the United Nations system;

(b) A preliminary draft outline of the system-wide action plan has been developed. It outlines all existing mandates, activities undertaken, resources currently allocated, activities not yet or only partly carried out and additional resources necessary for their full implementation;

(c) The Assembly, in its decision 44/410, paragraph 5(a), has requested the Secretary-General to submit to the Preparatory Committee at its second session a progress report on the development of the plan.

6. Much work remains to be done on the development of the plan, and the Commission could usefully transmit to the special session any views that it might formulate on improvements in the content of the plan as well as arrangements for carrying it out, monitoring performance and evaluating results.

7. No effective enhancement of the role of the United Nations system can realistically occur until adequate resources are provided from the regular budget of the Organization to enable the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board to fulfil their existing mandates, let alone fulfil new mandates arising from the work of the special session. In considering resources issues in relation to existing and future mandates, the attention of the Commission is drawn to the fact that the General Assembly has:

(a) Expressed, in resolution 44/141, eighth preambular paragraph, deep concern that, owing to a lack of resources, it has not been possible for the United Nations organs concerned to execute several of the important steps and measures that were mandated for the biennium 1988-1989;

(b) Expressed, in resolution 44/142, paragraph 19, serious concern at the considerable reduction in the budget and staff of the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board;

(c) Recommended, in resolution 44/142, paragraph 20, that the Secretary-General take urgent steps to ensure the increase of allocations to the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board;

(d) Requested, in decision 44/410, paragraph 5(b), the Secretary-General to submit to the Preparatory Committee at its second session a report on progress towards the allocation of sufficient resources within the United Nations system to ensure that adequate priority is given to narcotic issues;

(e) Requested, in resolutions 44/140, paragraph 8, 44/141, paragraph 5(g), and 44/142, paragraph 20, States to consider, in their preparations for the special session, the development of recommendations for generating increased financial resources for the United Nations drug effort and for ensuring sufficient regular budget resources for the United Nations drug bodies to carry out their mandates;

(f) Urged, in resolutions 44/141, paragraphs 8 and 9, and 44/142, paragraph 17, States to consider giving financial and other support to enhance the efficiency of the United Nations structure for drug abuse control, and, in particular, to contribute, or substantially increase their contributions, to the United Nations Fund for Drug Abuse Control (UNFDAC).

8. In considering co-ordination and efficiency issues in relation to existing and future mandates, the General Assembly, in resolution 44/141, has:

(a) Agreed to strengthen the capability of the United Nations to achieve more efficient and co-ordinated co-operation at the international, regional and national levels against the threats posed by illicit narcotic drugs and psychotropic substances (paragraph 2);

(b) Requested States, in preparing for the special session, to consider an examination of recommendations to enhance the efficiency of the United Nations structure for drug abuse control in the most appropriate way to enable the United Nations to perform its increasing tasks in the most effective and co-ordinated manner (paragraph 5(f));

(c) Requested the Secretary-General to select a limited number of experts from developed and developing countries to advise and assist him for a maximum period of one year in full co-operation with United Nations officials, in order to enhance the efficiency of the United Nations structure for drug abuse control (paragraph 4).

9. Turning to areas where the role of the United Nations could be enhanced, the General Assembly, in resolution 44/141, paragraph 5, presents a list, by no means exhaustive, of measures for consideration by the special session, whereby the United Nations could contribute further to concerted international action against drug abuse and illicit traffic. These and a number of other ideas that the Commission might wish to consider include the following:

(a) Elevating the status of the Commission and further strengthening its role as the main policy-making body of the United Nations system in matters of international drug abuse control, particularly as a forum for discussion and policy development and as an effective mechanism to guide relevant programmes of action and the resources to support them;

(b) Achieving the earliest possible provisional application, ratification and entry into force of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (see also paragraphs 15-17 below);

(c) Expanding and intensifying the existing United Nations roles of:

(i) Providing technical co-operation and equipment to States needing help in implementing or strengthening drug abuse controls and infrastructures;

(ii) Encouraging and facilitating national, regional and interregional co-ordination and co-operation against all aspects of drug abuse, particularly to increase the scope and effectiveness of existing and possible future international co-operation;

(iii) Facilitating the development and implementation of measures and programmes for effective demand reduction, taking into account any developments arising from the World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, to be held in London from 9 to 11 April 1990;

(d) Strengthening national, regional and interregional law enforcement by:

(i) Training local agencies to more effective levels of expertise in investigative methods, interdiction and narcotics intelligence, and armed forces to counter traffickers employing paramilitary force against sovereign Government;

(ii) Developing a possible United Nations capability that, at the request of States, would provide training and equipment for their own anti-drug operations to inhibit the use, interdict the supply and eliminate the illicit trafficking of drugs;

(iii) Developing a possible United Nations team of experts drawn from customs services for limited periods and in limited areas to assist in port inspection and certification of goods for export;

(iv) Enhancing the effectiveness and sharing of national, regional and interregional drug intelligence systems;

(e) Encouraging, with the full involvement of national and international financial institutions, the development of a global strategy and practical procedures (including possible development of a United Nations facility to collect, analyse and disseminate information on financial flows) to:

(i) Complement and render more effective measures aimed at tracing, freezing, seizing and confiscating the proceeds of illicit traffic;

(ii) Combat money laundering;

(f) Facilitating the development and implementation of appropriate programmes to strengthen economic, judicial and legal systems of requesting countries seriously affected by drug trafficking, including:

(i) Debt relief, crop replacement, economic restructuring and access to international commodity markets for agricultural products of countries destabilized by organized drug trafficking;

(ii) Protection of judges, officials and witnesses in high-risk investigations, prosecutions and confiscation proceedings;

(iii) Legal and related assistance for requesting countries to enable them to upgrade their legal, administrative and criminal justice systems so that they can become parties to relevant conventions and treaties as soon as possible, and pending that, to apply the relevant measures provisionally;

(g) Facilitating the development of appropriate measures and procedures for the tightening of controls on:

(i) Manufacture, shipment, sale and export of chemicals used in the production and manufacture of narcotic drugs and psychotropic substances, to inhibit their use for such purposes;

(ii) Manufacture and trade in weapons and munitions, to deplete the capacity of traffickers to employ armed force;

(h) Encouraging and enhancing the ability of Governments and non-governmental organizations and enterprises, in collaboration with bodies representing national and international investment, financial, commercial, transport and travel sectors and the professions, to develop appropriate codes of conduct, systems and training:

(i) To help detect and report suspicious drug-related dealings or consignments;

(ii) To combat drug-related corruption;

(i) To promote and actively participate in a possible United Nations decade against drug abuse.

II. GLOBAL PROGRAMME OF ACTION

10. The 1987 Declaration of the International Conference on Drug Abuse and Illicit Trafficking (ICDAIT) and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control together comprised, in effect, a global plan of action against drug abuse.

11. In so far as the General Assembly, in its resolution 44/141, paragraph 5, anticipates the elaboration and adoption by the special session of a global programme of action against narcotic drugs, the Commission may wish to consider conveying a view to the special session that the global plan should not consist primarily of political declarations, but of practical objectives, strategies and concrete activities which can be implemented in a cost-effective way over a specified period. The Commission may also wish to take advantage of the opportunity to express its views on the establishment and ranking of priorities within the proposed global programme.

12. The Commission may also wish to see an appropriate mechanism established to monitor and ensure adequate progress towards full and timely achievement of the objectives of the global programme at national, regional and global levels. The absence of such a mechanism to date has meant that it is difficult effectively to assess the extent to which many of the 35 targets of the Comprehensive Multidisciplinary Outline have been achieved to date. The Economic and Social Council may wish to request the Commission to carry out that role.

13. The General Assembly, in its resolution 44/141, paragraph 5, has identified some possible elements of the proposed global programme of action. The elements of the global programme and the system-wide plan are not mutually exclusive (the second is obviously a subset of the first), because the activities envisaged by Governments or by national, regional or interregional organizations outside the United Nations system are frequently capable of encouragement, monitoring, co-ordination or development by or in conjunction with the United Nations system. Those elements have therefore been addressed earlier in this paper in the context of the enhancement of the role of the United Nations (see paragraph 9).

14. To ensure that the global programme will truly constitute a significant and practical step forward from the Declaration of ICDAIT and the Comprehensive Multidisciplinary Outline, the Commission may wish to transmit views to the special session to ensure that gaps and shortfalls in the Declaration and the Outline, in the light of more recent international experience and the adoption of the 1988 Convention, will be systematically addressed in the programme. An effective way of ensuring that outcome and of influencing the content of the global plan would be for the Commission to transmit to the special session a draft of a possible global programme of action.

III. PROVISIONAL APPLICATION, EARLY ENTRY INTO FORCE AND RATIFICATION OF THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

15. This important item provides the Commission with opportunities to marshall the political will of the special session to accelerate the earliest possible implementation of the 1988 Convention while ensuring the provision of adequate resources for that purpose. In this regard, the General Assembly has:

(a) Encouraged the Commission, in resolution 44/140, fifth preambular paragraph, to begin consideration of measures that could be recommended to Governments for the implementation of the Convention;

(b) Invited the Commission, in resolution 44/140, paragraph 7, as the principal United Nations policy-making body on the subject, to identify suitable measures to be taken prior to the entry into force of the Convention;

(c) Urged the Secretary-General, in resolution 44/140, paragraph 9, to provide assistance to States, at their request, to enable them to establish the legislative and administrative measures necessary for the application of the Convention (the capacity of the Division of Narcotic Drugs to provide such assistance has recently been augmented);

(d) Requested the Secretary-General, in its resolution 44/140, paragraph 11, within existing resources and drawing, in particular, on funds available to the Department of Public Information of the Secretariat, to provide, facilitate and encourage public information activities relating to the Convention and also to disseminate the text of the Convention in the official languages of the United Nations.

16. The Commission could consider recommending to Governments implementation measures such as the following, and advise the special session accordingly:

(a) Establishing immediately an appropriate mechanism such as a task force to direct and oversee progress towards implementation;

(b) Implementing as soon as possible, all measures in the 1988 Convention capable, under the domestic law and legal system of a country, of being implemented by administrative means, including by direction or order of the executive authority;

(c) Ensuring immediately that top priority is given by relevant ministries, officials and legislatures to the earliest possible preparation and passage of necessary enabling legislation, and to the undertaking and completion of all necessary ratification or accession procedures;

(d) Ensuring that the passage and entry into force of relevant legislation is not delayed, where postponement pending the enactment of other enabling or related legislation would unduly delay the ability of the country to apply, on a provisional basis, any of the Convention's provisions;

(e) Where appropriate, seeking as soon as possible legal and related implementation assistance from the Division of Narcotic Drugs in conjunction with UNFDAC.

17. As for measures that could be taken prior to entry into force of the 1988 Convention, the Commission could consider identifying, in its report to the special session, the following, among others:

(a) Reviewing as soon as possible existing mechanisms and levels of co-operation and communication between domestic, regional and interregional law enforcement, revenue and regulatory bodies, with a view to removing all non-essential barriers to timely and effective communication of drug-related intelligence;

(b) Reviewing bank and official secrecy laws to ensure no unnecessary barriers to the communication of drug-related intelligence to the appropriate authorities;

(c) Taking immediate steps to help complement the intended operation of the provisions of the 1988 Convention relating to money laundering and confiscation, including (in addition to others outlined above):

(i) Developing or improving mechanisms for the reporting by financial institutions of significant cash or cash-equivalent transactions;

(ii) Tightening procedures for both the issue of personal identity documents and for the registration of legal interests in property, corporations or trusts;

(iii) Strengthening laws and procedures for the registration of aircraft, vessels and vehicles and for the control and monitoring of their movement.

IV. OTHER MATTERS PERTAINING TO THE SPECIAL SESSION

18. This note has only touched on the more important matters arising for the attention of the Commission in relation to the special session. The request of the General Assembly that the Commission transmit any views on matters pertaining to the special session is broad enough to extend to all matters in and arising from the decisions and resolutions of the Assembly. It also covers the provisional agenda and indeed any matter within the special session mandate relating, as specified in Assembly resolution 14/16, paragraph 1, to the question of international co-operation against illicit production, supply, demand, trafficking in and distribution of narcotic drugs and psychotropic substances, with a view to expanding the scope and increasing the effectiveness of such co-operation.